

figure it here, it is only five days beyond the time.

HON. MR. MACDONALD (B. C.)—I never was there—I cannot tell. I think the House will have no hesitation in coming to the conclusion that this man was entitled to a divorce. There has been no condonation.

HON. MR. LOUGHEED—It appears to me that there is a probability of some of the hon. gentlemen arriving at a conclusion from what I take to be a misapprehension of the doctrine of condonation. The law appears to be perfectly clear on that point, and there appears to be a tendency to ignore what really constitutes condonation. The hon. gentleman from Victoria has just cited Dixon on Divorce. It may be considered pardonable on my part should I again refer to that work, with the object of making a few comments upon the discussion of that doctrine as laid down in Dixon. He says: "Condonation as applied to matrimonial causes had its origin in the ecclesiastical courts, and it is obvious, on examination of the cases subsequent to the Divorce Act, that it still bears its original signification. The whole doctrine is a structure of the courts, founded on the necessities of the case. It means a blotting out of the offence, so as to restore the offending party to the position which he or she occupied before the offence was committed."

In connection with this, let me remark that there was a suspicion. The petitioner stated that a suspicion entered his mind at the time he received this letter that possibly the child might not be his. It is quite evident from the subsequent evidence, and I think the minds of the committee were made perfectly clear on that point, that the child was his, and the subsequent evidence established that fact. There is nothing proven to the contrary, I submit. Now, he might have had a very vague suspicion at the time he received this letter that the child was not his, but it did not resolve itself into such a fact as would satisfy a court of law that the child was any other than the petitioner's; so that at the utmost, if we take this point as against the petitioner, it must resolve itself into a suspicion as distinguished from a fact. Now, it could not be said that when he entertained that suspicion that it blotted

out the facts that constitute this case, and which make it a very clear case, to my mind, that this honorable House should grant relief to the petitioner, because the facts upon which he relied to establish his case were facts which occurred subsequent to the reception of that letter. There could not be a blotting out or condonation of the conduct of his wife, for the simple reason that the wife had the audacity to marry another man before she was absolved from her marriage with the petitioner, and is to-day living in Canada married to a man named Simpson. It cannot be contended by the hon. gentlemen opposing this Bill that there should be a condonation of that particular act, or that there ever was such a condonation. The evidence is clear on that point, that if there ever was a condonation of a first offence it was a condonation based on a suspicion that entered into his own mind; and I think it was to his credit if he gave his wife the benefit of the doubt. It would be a dangerous doctrine to lay down, that because a man has a suspicion in his mind he must at once cast his wife away from his door, lest it should turn out, on evidence that that suspicion was true, and resolve itself, perchance, into a fact, that would, at some long subsequent date, preclude him getting the relief to which he would be entitled. Such a doctrine would require a man who entertained a suspicion of his wife's infidelity to spurn her from his door. That is the doctrine we are asked to accept here, as submitted by the hon. gentlemen from Lunenburg and Amherst. I contend that there was no evidence whatever as to the divorce in the United States. It must be quite clear to hon. gentlemen on that committee that they refused to accept any evidence of that divorce, and quite properly so. Whatever evidence was submitted, there was merely a bald statement of facts, and the chairman of the committee absolutely refused to allow evidence to be put in as to that divorce, other than a mere statement of fact that a divorce was obtained by her, and which, I say, is a fact that should at once establish the case against her, and would justify us in granting relief to the petitioner. But now let me proceed with the authority which I was reading: "It means a blotting out of the offence, so as to restore the offending party to the position which he or she occupied before the offence was committed."